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REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY*

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I. INTRODUCTION

1. The General Assembly, by its resolution 50/49 of 11 December 1995, decided to include in the provisional agenda of its fifty-first session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 50/49.

II. TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE

2. During the period covered by this report, that is, 9 November 1995 to 22 November 1996, there were no changes in the membership of the Committee and composition of its officers.[1] The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI) of 15 December 1971, by which the Assembly established the Committee. In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration.[2]

3. In May 1996, with a view to rationalizing its work in response to recommendations contained in General Assembly resolution 50/206 C of 23 December 1995, the Committee decided to be guided by the following recommendations:

(a) While normally the work of the Committee is covered by six regular meetings, the Committee should endeavour to finish its work in four regular meetings on the understanding that additional meetings could be convened as necessary;

(b) The Committee should meet on time;

(c) The annual report of the Committee should be shorter, but this should not have an impact on the substance of topics covered by it.

4. During the period under review, the Committee held six meetings: the 174th, on 14 February 1996; the 175th, on 14 May 1996; the 176th, on 18 June 1996; the 177th, on 3 October 1996; the 178th, on 19 November 1996; and the 179th, on 22 November 1996.

5. The Bureau held two meetings, on 25 January and 11 April 1996, at which the organizational aspects of the work of the Committee were discussed.

6. In February 1996, the Committee unanimously appointed Mr. Jorge Sánchez (Spain) to chair its Working Group on Indebtedness. The Working Group, whose mandate is to consider all aspects of the problem of indebtedness, held three meetings, on 29 March, 30 May and 18 October 1996.

III. TOPICS DEALT WITH BY THE COMMITTEE

A. Question of the security of missions and the safety of their personnel

7. At its 175th meeting, on 14 May 1996, the Committee resumed consideration of matters relating to the security of missions and the safety of their personnel. The Chairman informed the Committee of the letters addressed to him

by the Permanent Representative of Cuba and the representative of the United States on the Committee, circulated, at their request, as Committee documents A/AC.154/285 and 286 of 28 February, A/AC.154/289 of 9 May, A/AC.154/287 of 1 March and A/AC.154/288 of 4 March 1996, respectively. These letters enclosed notes verbales of the parties explaining their respective positions in connection with incidents pertaining to the security of Cuban diplomatic personnel as well as in connection with the installation within the security zone of the Cuban Mission of a street sign reading "Brothers to the Rescue Corner". The Chairman noted the Cuban Mission's concern about the brutal beating of one of its diplomats and was assured by the host country that an investigation had been lodged and steps taken to avoid other such incidents.

8. At the invitation of the observer of Cuba, the members of the Committee viewed a videotape showing a street sign reading "Brothers to the Rescue Corner" placed on the intersection of Lexington Avenue and 38th Street, where the Permanent Mission of Cuba was located. In explanation, the observer of Cuba said that the sign had been put up on 3 May 1996 at a ceremony presided over by the Mayor of New York City, the Honourable Rudolph W. Giuliani, within the security zone surrounding the Cuban Mission. The placing of the plaque was considered by Cuba as a deliberate affront. It showed implicit support on the part of the New York City authorities for terrorist activities pursued by the so-called "Brothers to the Rescue" organization. The placing of the sign had an adverse impact upon the security, dignity and integrity of the Cuban Mission and its personnel, and continued to do so. On 3 May 1996, Cuba had denounced the upcoming ceremony through a diplomatic note. However, the ceremony went ahead as planned. The observer of Cuba also said that the ceremony had included a slanderous speech by the Mayor of New York City which marked a political act on the part of the official host City authorities, sending out to the public a deliberately offensive message against the Government of Cuba and its Permanent Representative to the United Nations. This was not the first offence committed by the Mayor of New York City against States Members of the United Nations. There had been incidents during the commemoration of the fiftieth anniversary of the United Nations. Placing the plaque within the security zone exacerbated the risks for the Cuban Mission, jeopardized its normal operation and undermined the security and dignity of its personnel. The Cuban Mission would continue to take the appropriate measures necessary to protect the integrity, safety and security of its premises. The placement of the sign created a new potential focal point for conflicts and provocations against the Cuban Mission. That act constituted, on the part of the authorities, a violation of, and failure to comply with, the legal obligations of the United States as host country under the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and other relevant legal instruments. It was incumbent upon the authorities to act in a manner consistent with those obligations and to maintain civil ethics above and beyond any political motivations vis-à-vis any mission accredited to the United Nations. The Committee was also reminded that in 1930 the United States Congress had adopted legislation which provided that it should be unlawful to display any plaque, banner or device designed or adapted to intimidate or bring to public opprobrium any foreign Government, party or organization or any officer thereof, or to bring into public disrepute political, social and economic acts or purposes of any foreign Government, or to intimidate the course of, to harass or to interfere with the free and safe pursuit of his or her duties by any diplomatic or consular representative of any foreign Government within 500 feet of any building occupied by any foreign Government or its representatives. The United States Congress and the United States courts had acknowledged the need for such legislation as a means for the United States to comply with its host country obligations towards the United Nations. The United States Mission, in responding to the protests of the Cuban Mission, had

erroneously asserted that the placing of the sign, even within a few feet of the entrance to the Mission, was a private act done on private property belonging to a group of persons with which the United States Government had no involvement of any kind. Baptizing that corner "Brothers to the Rescue" was like calling it "Montana Militia Corner" or "Unabomber Corner". The United States Government was urged to comply with its obligations as the host country of the United Nations and with its responsibility to see to it that the local authorities performed their duties in compliance with those obligations. The Committee was then invited to view video images, taken from the news bulletin of a local television station, showing activities of the Brothers to the Rescue organization.

9. The representative of the United States questioned the relevance of the last tape shown by the observer of Cuba in the context of the incident which had occurred in New York City as presented by Cuba earlier. Referring to actions taken by the City of New York renaming the street corner in front of the Permanent Mission of Cuba, it was clarified to the Committee that the naming of streets in the United States was the province of local authorities. The host country had no role in such matters. In this regard, the City of New York had acted entirely on its own initiative, without any involvement of the host country Mission. The United States had constitutional guarantees of freedom of speech and assembly. It was stressed that the United States took its responsibilities as host country to the United Nations very seriously, balancing those responsibilities with the constitutional guarantees of freedom of speech and assembly. Although the United States Mission had become aware of the proposed actions only at the last minute, arrangements had been made to ensure that the Permanent Mission of Cuba was not prevented from carrying out its functions. Members of the Cuban Mission had free access to their Mission, both on foot and by car. Members of the United States Mission and officers of the New York City Police, members of the Federal Bureau of Investigation (FBI) Terrorist Task Force and the Diplomatic Security Service met with members of the Cuban Mission at 9 a.m. on the morning of the day when the renaming ceremony took place. They had discussed the security concerns of the Cuban Mission and reassured it that adequate security measures would be taken to ensure that the Cuban Mission would remain open and accessible for the duration of the ceremony. The Cuban Mission received 24-hour daily police protection. Each and every complaint from the Cuban Mission concerning the safety and security of its personnel received immediate attention from the host country authorities. New York City Police officials had assured the United States Mission that the security zone around the Cuban Mission remained in effect, and breaches to this security zone would not be tolerated. Demonstrators would not be permitted to use the north-east corner of Lexington Avenue and 38th Street as a rallying point for demonstrations, nor would they be permitted to leave objects on that corner in front of or below the sign as a tribute to the victims of the shooting down of the civilian airplane piloted by "Brothers to the Rescue". Furthermore, a second sign would be placed in the area approved for demonstrations at the south-west corner of Lexington Avenue and 38th Street. The United States Mission continued to consult with New York City officials on the entire issue. In the meantime, the Permanent Mission of Cuba was assured that the host country and host City officials were guaranteeing their security.

10. The observer of Cuba noted that the host country Mission was continuing contacts with the appropriate City authorities on the matter. The placing of the plaque was a public activity by public authorities. It did not have anything to do with freedom of speech or freedom of assembly. He proposed that the Committee adopt a decision requesting the competent United States authorities to remove the sign as soon as possible in view of their obligations

to provide the appropriate security to missions accredited to the United Nations and to ensure the physical and moral integrity of their personnel. In the event that consensus on this proposal was not possible owing to an objection on the part of the host country delegation, Cuba would use all available means to ensure that the matter was examined by the General Assembly.

11. The representative of the United States responded that his Mission was in contact with local authorities regarding the sign and Cuban security concerns. He also expressed the view that the matter should be considered by the Host Country Committee as it was his understanding that only members of the Committee were entitled to make recommendations formally for decisions by the Committee. The Committee was assured that it would be informed in due course of what transpired from further consultations between the host country Mission and the New York City authorities.

12. The Chairman suggested that the Committee, at that stage, should take a decision to note that the host country Mission was continuing contacts on the matter with the authorities of New York City. The Committee would be informed of what transpired from those contacts as soon as results were available.

13. The representative of France expressed the view that if a municipal authority named a street in a way offensive to the American public, the federal authorities would probably find it possible to react with a view to finding the appropriate measures to put an end to the situation. While not being in a position, without the relevant instructions, to support the proposal made by Cuba, he said the matter deserved consideration. If the Committee met again in the near future, its members would have time to get specific instructions enabling them to state their views on the Cuban proposal.

14. The representative of the United Kingdom of Great Britain and Northern Ireland supported the proposal made by the Chairman that the Committee postpone consideration of the matter until after the United States Mission discussed it with the City authorities.

15. The representative of the United States said that he did not want to leave the Committee with the impression that a determination had been made by anyone in authority that the placement of the sign violated either international law or host country obligations. In the past, the Committee believed that there was sometimes a conflict between host country obligations and constitutional freedoms of speech and assembly. This was not the first time that the Committee had addressed such issues. The Committee knew that the host country made every effort to balance treaty obligations and constitutional freedoms and rights. In this connection, the Cubans themselves were guaranteed free speech under the United States Constitution.

16. The Chairman confirmed that the Committee's practice was to work on the basis of consensus. He also expressed the hope that the host country delegation would be in a position, at an appropriate time, to announce some good news on the matter.

17. On 10 June 1996, the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee a letter enclosing a copy of the Cuban Mission's note verbale to the United States Mission to the United Nations dated 8 June 1996 concerning the installation of the above-mentioned street sign. The letter was circulated, at the Cuban request, as Committee document A/AC.154/290. On 11 June, the Chairman received another letter from the Permanent Representative of Cuba requesting him to convene, as soon as possible,

a meeting of the Committee to consider the question of the security of missions and the safety of their personnel.

18. The 176th meeting was held on 18 June 1996 pursuant to that request. The Chairman reminded the Committee that at the previous meeting it had been agreed that the host country delegation would pursue the matter with the City authorities and report on the results of those contacts. It was his understanding that the host country delegation was still discussing the matter with the City authorities.

19. The observer of Cuba said more than four weeks had passed since the Committee last considered the matter, and 46 days since the ceremony installing the sign in question. Cuba's note verbale on the matter sent to the United States Mission on 8 June 1996 remained unanswered. Following the last meeting, a second sign bearing the same name had been installed in the vicinity of the Cuban Mission. Since the installation of the second sign, the investigation by the United States of illegal activities of the "Brothers to the Rescue", violating international law, norms and standards of civil aviation, Cuban laws and North American laws, had concluded in the issuance of an emergency order to revoke the pilot licence of that terrorist organization. That proper, albeit late, measure had been taken after two years and 29 violations of Cuban airspace. Cuba had warned about the consequences and security risks as a result of the placement of the two signs bearing the name of that terrorist organization. On Memorial Day on 27 May 1996, several individuals had attempted to place flowers within the security area of the Cuban Mission but were prevented from doing so by New York Police. The sign on the opposite corner was to be turned into the permanent sanctuary where demonstrations of an aggressive and offensive nature had been stepped up. Those demonstrations were truly acts against the security and integrity of the Cuban Mission and the dignity of Cuban diplomats. Official acts, perpetrated by the highest New York City authorities, violated the obligations of the United States as host country. The impact on the normal functioning of the Cuban Mission had increased. The United States Federal Government had the means to ensure respect for its international obligations by local authorities. United States inaction might step up impunity or terrorist activities against Cuba and its Permanent Mission. The Committee had been unable to do anything and the Chairman's hands had been tied. Unfortunately, the consensus practice in bodies with closed membership, such as this Committee, allowed an effective veto by the host country, thereby making it impossible to take any fundamental measures to ensure compliance with the letter and spirit of the Vienna Convention on Diplomatic Relations, the Headquarters Agreement and other legally binding instruments. In the opinion of Cuba, much more than the customary amount of time for restoring security had elapsed to ensure the normal functioning of the Cuban Mission and remedy the offensive act of the Mayor of New York against Cuba, its Mission and diplomats. If the United States could not ensure compliance with its obligations, Cuba would have no other option but to take the matter to the General Assembly.

20. The representative of the United States stated that, under United States law, the naming and emplacement of signs on the streets was a strictly local matter in which the Federal Government played no role. In this case, the host country had no prior knowledge of the action taken by the separate governmental entity, i.e. the City of New York. The United States was responsible for ensuring the security of missions and the ability of missions to carry out their responsibilities. The Cuban Mission continued to receive 24-hour daily police protection. Any complaints from that Mission concerning its safety and security received the immediate attention of the host country authorities. New York City Police officials had assured the United States Mission that breaches of the

security zone around the Cuban Mission would not be tolerated. When demonstrators had recently attempted to breach that zone, they were immediately removed by the New York City Police. At no time had representatives of the Cuban Mission been denied access to or exit from their Mission. There had been no impairment of the functioning of the Cuban Mission. Cuba's protest was perplexing, particularly in view of the large sign in plain view of the United States Office in Havana expressing derogatory views against the United States. The United States had not objected because it believed that such actions were within the right of individuals to freedom of speech and expression. Similar freedoms were involved in the current situation. The United States Mission was continuing consultations with the New York City authorities to determine ways in which Cuba's concerns might be addressed.

21. The Chairman of the Committee noted the statement by the representative of the United States that consultations with the New York City authorities on the matter were still being pursued. He hoped for a positive outcome.

22. The observer of Cuba deplored that the host Government found itself unable to act in a matter involving an action carried out by a terrorist organization which had been administratively punished by the authorities for its illegal activities and violations of United States law, Cuban law and the rules of aviation. Everyone knew that the United States would have taken drastic action against the emplacement of street signs which were offensive to the United States itself, to other missions or to the United Nations. This case was part of an aggressive and hostile policy directed by the United States against a small country. Noting an unusual recognition of freedom of expression in Cuba in the statement by the United States representative, he drew the attention of the Committee to an apparent difference between the situations regarding the signs in Havana and in New York, inasmuch as United Nations Headquarters was in New York and not in Havana. The legal obligations to be respected under agreements applicable to missions accredited to United Nations Headquarters in New York could not be extended to cover issues relating to signs posted outside the United States Interests Section in Havana. Cuba regarded the signs posted near its Mission as an affront. It requested the United States to accept full responsibility for any consequences that might derive from these actions. Cuba regretted that the Committee found itself unable to remedy this situation. Cuba reserved the right to raise the matter in other organs of the United Nations, including the General Assembly.

23. In response, the representative of the United States stated that it was important that the Committee not be swayed by the term "terrorist" used by the previous speaker. The loose application of the word in question should not influence the work of the Committee. It appeared that Cuba had already decided that the issue should be taken to the General Assembly regardless of what the Committee might say or what might transpire from consultations undertaken by the host country Mission with the City authorities. Such an approach marginalized the Committee and prejudged its work. The Committee was urged not to be swayed or threatened by that kind of prejudgement.

24. The observer of Cuba said that his Government had proof of violations of Cuban airspace over two years perpetrated by aircraft of the so-called "Brothers to the Rescue" organization. Those aircraft had been used by the United States Air Force in the Viet Nam war, which was clear from recent photos published in United States sources showing United States military insignia. It had been clearly established that this terrorist organization would escalate its activities against Cuba. In particular, there were plans to sabotage Cuban economic installations. It was obvious that any prejudgement or attempt to

marginalize this Committee could not emanate from a small country which was not a member of the Committee and which could not expect to have in the United Nations the capacity of exercising a veto that other delegations had. The solution to the issue regarding the sign was for the United States to discharge its responsibilities properly under applicable international agreements.

25. The Chairman said that the holding of two meetings on this issue by the Committee had provided the host country the opportunity to pursue the matter. There was hope that a solution could be found at an appropriate time.

26. At the 177th meeting, on 3 October 1996, the Chairman drew the attention of the Committee to an exchange of notes between the Permanent Mission of Cuba and the United States Mission circulated, at their request, as the following documents of the Committee: A/AC.154/291 dated 3 September 1996; A/AC.154/292 dated 5 September 1996; A/AC.154/293 dated 16 September 1996; A/AC.154/294 dated 18 September 1996; and A/AC.154/295 dated 18 September 1996.

27. The observer from Cuba expressed the hope that her Mission's notes to the host country Mission, especially those dealing with the street sign reading "Brothers to the Rescue Corner" and incidents relating to the recognition and observance of the privileges and immunities of the Cuban diplomats, and in particular an incident at Kennedy International Airport involving the Permanent Representative of Cuba (A/AC.154/290, A/AC.154/291, A/AC.154/292 and A/AC.154/294) would be properly reflected in the report.

28. The Chairman expressed his understanding that the Committee's report would duly reflect, as in previous years, all statements made by delegations and particularly assured the Cuban representative that her country's concerns would, therefore, be reflected in the report.

B. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

1. Acceleration of immigration and customs procedures

29. At the 174th meeting, the observer of Portugal said that members of the diplomatic community often encountered difficulties with the established immigration and customs procedures at Kennedy International Airport. Although there was supposed to be a special line for diplomats, they were repeatedly told to go to the general line with the rest of the incoming passengers. The Delta terminal had been one specific source of the problem.

30. The representative of the host country thanked the observer of Portugal for bringing this matter to the attention of the Committee. He recalled that the representatives of the Committee had visited Kennedy airport and, in particular, the Delta terminal. That airline had promised that special lines for "A" and "G" visa holders would be established. It was unacceptable for diplomats to have to wait on line for an hour. The United States Mission had recently contacted Kennedy airport officials, who had assured it that special lines for diplomats were in place. If diplomats had problems, they should seek help from a uniformed officer of the United States Immigration and Naturalization Service, rather than an airline employee. If they were getting no satisfaction from the uniformed officers, "G" and "A" visa holders should firmly but diplomatically ask to speak to the Chief Immigration Officer at the terminal. The United

States Mission had reached an understanding with the United States Immigration and Naturalization Service on the matter. He invited missions to report to the host country Mission any difficulty they might encounter on the arrival of their diplomats.

31. The representative of the Russian Federation noted that problems encountered at the Delta terminal by Russian Mission personnel were not unique to his Mission, and welcomed the steps by the host country aimed at resolving those problems. A clear-cut procedure for getting "A" and "G" visa holders through immigration should be established. Special passageways for those visa holders should be clearly identified.

32. The representative of Costa Rica sympathized with the observations made by the observer of Portugal. If special lines could not be set up for diplomats, they could be allowed to use lines reserved for the airline crew. This method had been used at Miami airport and, at times, she had been successful in using that procedure in New York.

33. The Chairman said that it was important that all Member States be informed of the procedure to be followed at United States airports and, in particular, at the Delta terminal of Kennedy International Airport.

34. At the 175th meeting, on 14 May 1996, the representative of the Russian Federation expressed appreciation to the host country authorities for the successful resolution at the Delta terminal of the matter relating to the establishment of a special line for "A" and "G" visa holders. However, the sign indicating the line was visible to Immigration officials but not to the public.

35. The representative of the United States thanked the previous speaker for mentioning the fact that the Delta terminal situation had been resolved and said that the host country mission would look into the matter so that the sign could be properly located.

2. Exemption from taxation

36. At the 174th meeting, the observer of Portugal expressed concern that, apart from neighbourhood stores near the United Nations in Manhattan, businesses located in other boroughs of New York City were not aware of the tax exemption cards issued to diplomats by the State Department. It was practically useless to use these cards in states other than New York State since no one had heard of them there. She expressed the view that businesses should be expected to have received notice from the competent authorities informing them of the fact that diplomats should be exempt from sales taxes. She suggested that documentation should be given to stores when their licences for operation were granted and every time there were periodic inspections. She also suggested better coordination with the financial departments of other states in the United States.

37. The representative of the United States said that this was not the first time that he learned that the sales tax exemption cards were not being honoured by stores. When the United States Government decided that there was a need to issue a federal card it informed all the states of the country accordingly and provided a sample of the card. In some instances, store owners simply did not want to honour the cards because that would mean that they could collect more money that would never make its way to the Federal Government. He hoped that the New York Office of Foreign Missions would raise the issue in

Washington, D.C. in order to find out if there was a possibility of providing a re-education programme for sales persons throughout the country regarding the sales tax exemption cards. If diplomats found that their tax exemption cards were being ignored, they could report the stores in question to the New York Office of Foreign Missions at (212) 826-4500.

38. The representative of the Russian Federation said that members of his Mission also encountered similar problems with the tax exemption card, especially outside New York. Another problem was that of taxes on telephone charges levied in particular by NYNEX. In one case, only after several interventions, it took NYNEX six months to reimburse charges paid as taxes. He expressed the hope that these problems would be resolved as soon as possible.

39. The representative of the United States observed, without specific reference to the NYNEX situation, that in some instances service charges, which diplomats had to pay, were being mistaken for taxes.

C. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto

40. At the 175th meeting, on 14 May 1996, the Committee resumed consideration of matters relating to the problem of claims of financial indebtedness. The Chairman of the Working Group on Indebtedness briefed the Committee on the substance of discussions in a recent meeting of the Working Group. That body had considered the data provided by the host country Mission regarding the current amounts of financial debts of certain missions in New York. The review of the data, among other matters, indicated that in some cases missions did not feel that they were bound to comply, inter alia, with fiscal and tax regulations of the host country in connection with their taxable commercial activities, which brought about many problems. The Working Group would continue to deal with these issues and was open to suggestions from Member States and the host country.

41. The observer of Switzerland said debts of missions accredited to international organizations had been a matter of major concern for host countries for some years. The problem had a direct detrimental impact on the prestige and image of diplomatic communities in host States. In particular, the matter caused serious concerns in Geneva. Switzerland was pleased that the Secretary-General had approached these issues, in his report of March 1995, from a general standpoint. Switzerland would appreciate the Committee's taking into account, in addition to the figures on indebtedness in New York, the figures reflecting the situation developing in Geneva. In this spirit the Swiss Mission had addressed to the Legal Counsel on 20 February 1996 a note indicating that the total debt of missions accredited to the United Nations Office at Geneva was slightly over $4.6 million. Of this amount, almost $1.3 million was owed by one single mission. Ten missions had debts of over $100,000. His country hoped that in the future the United Nations would continue to review this issue from a global perspective and that the figures from Geneva would be published together with those of New York.

42. The representative of the United States said that one of the areas which had led to a considerable indebtedness was the lack of health care and health insurance. According to the understanding of the host country authorities, one of the biggest financial burdens for many missions as well as for individual

diplomats was the high cost of medical treatment in the United States. He proposed that a questionnaire be circulated to all permanent missions and observer missions accredited to the United Nations soliciting any information they would like to provide about their local health care needs and any possible interests that they might have in a primary health care insurance system. A synthesis of all suggestions could be made known to the Committee's Working Group on Indebtedness. The ultimate goal of this exercise would be to identify reputable providers of health care services who would be able to offer medical programmes for the consideration of missions and individual diplomats.

43. The representative of France welcomed the United States initiative. He wondered, however, whether the question of health care services should not be dealt with under a separate item of the Committee's agenda as indebtedness and insurance programmes were two distinct issues.

44. The representative of the United States reiterated the view that a considerable portion of debts incurred by missions and individual diplomats were attributable to the high cost of hospital and doctors' services. It was advisable, therefore, to consider the issue of affordable health care programmes in the context of this subject matter in order to find ways to help certain missions to reduce indebtedness.

45. The Chairman summed up the understanding of the Committee that the Working Group on Indebtedness would work out a health care questionnaire which, upon approval by the Committee, would be circulated to all missions accredited to the Organization.

46. At the 176th meeting, on 18 June 1996, the Chairman of the Working Group introduced a draft health care questionnaire which had been finalized at a meeting of the Working Group held on 30 May 1996. The representatives of the Russian Federation, the United States, the United Kingdom and Costa Rica generally approved the text but suggested certain drafting changes. The Committee then endorsed the questionnaire, as amended, and requested the Chairman to circulate it under cover of his explanatory letter. The Chairman's letter enclosing the health care questionnaire was circulated as Committee document A/AC.154/INF/1 dated 24 June 1996.

47. At the 177th meeting, held on 3 October 1996, the Chairman informed the Committee that the questionnaire had been brought to the attention of the missions once again in the first half of September 1996, since most mission personnel had been on or about to take summer vacations when missions were expected to respond to the initiative by the end of July 1996. Altogether, 56 missions had transmitted their responses to the Secretariat. The preliminary analysis of these responses indicated that a majority of missions had expressed an interest in possible alternative medical insurance coverage. The overwhelming majority indicated that a group health insurance plan would be more appealing to their needs. In addition, more than 30 missions said that they were interested in a plan which could provide for dental care. The combined figure of members of those missions who would be interested in such plans amounted to almost 1,500. Of the interested missions, the majority indicated that they themselves would pay insurance premiums for mission personnel.

48. The representative of the United States expressed appreciation to the Chairman for his preliminary report on the responses by the missions to the questionnaire on health care issues. The host country delegation was encouraged by the responses and was deeply interested in the data. In the last two years, a lot of work had been done on the problem of indebtedness of missions and their

personnel, a substantial amount of which was related to health care issues. The questionnaire on medical insurance was thus a good way to address that problem. The host country delegation would seek to obtain copies of the responses and see how that could help to address the problem.

49. The representative of the United Kingdom also requested that statistical information mentioned in the Chairman's preliminary report be made available to interested delegations.

50. The representative of Côte d'Ivoire said that he knew of several missions that had not submitted their responses and called for follow-up information on the questionnaire.

51. The Committee decided that the responses should be analysed by the Committee's Working Group on Indebtedness.

52. The Chairman, on behalf of the Committee, expressed gratitude to all missions that had responded to this initiative. He also expressed the understanding that interested missions could familiarize themselves with the available responses, for which purposes they might wish to contact the Secretariat.

D. Transportation: use of motor vehicles, parking and related matters

53. At the 174th meeting, the representative of the Russian Federation drew the attention of the Committee to the complex problem of tickets and fines issued for parking, an issue his Mission had repeatedly raised in the past. The parking space reserved for cars belonging to the Russian Mission had an allotment for only 10 cars, although several other missions were in the area. Thus, since the Russian Mission had more than 100 cars, diplomats had to spend considerable time looking for a parking space when they came to work. The same problem occurred when diplomats visited other missions and local offices in Manhattan. The situation had not improved, although the Mission had stressed the importance of the problem for a number of years. According to the New York City authorities, the presence of the United Nations and the diplomatic community had benefited the city to the tune of around $3.3 billion. Therefore, not only the Federal but also the City authorities should be interested in creating normal working conditions for diplomats. The effort to resolve this problem should be accelerated.

54. The observer of Portugal drew the attention of the Committee to instances when legally parked diplomatic cars received tickets while other cars did not get them. Moreover, some diplomatic cars parked in lots especially reserved for them had been ticketed. It was suggested that the traffic police be given the appropriate clarification of the scope of privileges enjoyed by diplomats in these matters.

55. The representative of Costa Rica supported Portugal's concerns and said that her Mission had repeatedly had the same experience. In one case a traffic officer ticketing her legally parked diplomatic car responded that he was following instructions. She expressed concern at being ticketed while legally parked. It was also worrisome that, on occasion, diplomatic cars had been towed away.

56. In response, the representative of the United States said that the problem was a complex one. However, likening fines for violation of law to a tax was incorrect. Fines were issued for not respecting the existing traffic laws and regulations. Diplomatic immunities did not allow diplomats to violate traffic laws and regulations. When a ticket was served and it was felt that it was improperly served, the diplomat concerned should plead not guilty to the court and fight the ticket. While that might pose a problem for some diplomats whose Governments believed that their representatives should not be required to go to court, those diplomats in any event could make the situation known to the competent authorities that the ticket should not have been issued. As to reserving diplomatic parking spots, New York City was responsive in issuing the appropriate signs for missions indicating these areas. A parking problem might have arisen in the vicinity of the Russian Mission since there were six other missions located in that area. Yet another problem was an issue which could be addressed by the City: when non-diplomatic cars were parked in parking zones reserved for diplomats only. Regarding the issue of 100 cars of a particular mission to be somehow exempted from parking legally, it was suggested that in situations where missions had limited parking space to accommodate all available cars, they could consider setting up a private bus service or using public transportation for purposes of commuting. That issue did not fall under the treaty obligations of the host country, and was different from the situation where the lack of parking space interfered with the functioning of a mission.

57. The New York City Commissioner for the United Nations and Consular Corps informed the Committee that her office had received several complaints on the issue, most of which had been resolved. She suggested that a meeting with the New York City Police Department should be convened in order to address these issues and expressed confidence that such a meeting would produce positive results.

58. The representative of Costa Rica said that virtually all of the spaces reserved for diplomats, for example, on 43rd Street, were being occupied by non-diplomatic vehicles, such as delivery trucks. She welcomed a meeting with the Police Department to address these problems and thanked the New York City Commissioner for her relevant suggestions.

59. At the 175th meeting, on 14 May 1996, the representative of the Russian Federation expressed regret that the question of allocation of parking space in front of his Mission had not been sufficiently addressed by the host country authorities. On one occasion, of 10 places assigned to the Mission, 7 had been taken by police squad cars. Practically on a regular basis up to 50 per cent of those spaces were taken by police cars of the nearby police precinct. This situation contributed to the issuance of many parking tickets to diplomatic cars of the Russian Mission, which had had to be parked outside the assigned parking spaces. In addition, police cars were occasionally double-parked, thus preventing the diplomatic cars from leaving. The host country Mission was urged to find a solution to that problem as soon as possible together with the New York City authorities.

60. The representative of Costa Rica observed that diplomatic cars received fines for parking in non-diplomatic spots, while those who were not diplomats did not get tickets when they parked in areas reserved for diplomats only.

61. The representative of the United States, in responding to questions raised by the Russian representative, suggested that the Russian Mission take pictures of police cars parked in the diplomatic zone and send the pictures to the host country Mission with an accompanying note so that the latter could take the

matter up with the competent City authorities. He suggested that issues relating to parking causing concern to certain missions could be discussed at a meeting with the New York City Police Commissioner, the possibility of which had been mentioned at the previous meeting by the New York City Commissioner for the United Nations and Consular Corps.

B. Other matters

62. At the 174th meeting, on 14 February 1996, the Chairman announced that document A/AC.154/284 dated 10 November 1995 relating to an issue which had been discussed at the 172nd meeting, on 22 November 1995, had been circulated as an official document of the Committee at the request of the Cuban Mission.

63. The Chairman also brought to the attention of the Committee the recommendation of the Bureau that the Committee should call on the Mayor to have a general discussion regarding the relationship between the United Nations diplomatic community and the City. The representative of the host country supported this proposal. The Committee decided to seek an opportunity to meet with the Mayor of New York City, the Honourable Rudolph Giuliani. On 22 February 1996, the Chairman of the Committee addressed to the Representative of the United States on the Committee, Mr. Victor Marrero, a letter requesting his assistance in pursuing this matter with the competent authorities of the City so that a meeting could be arranged as soon as possible. In a separate letter of the same date, the Chairman solicited the assistance of the New York City Commissioner for the United Nations and Consular Corps in this matter.

64. At the 177th meeting, on 3 October 1996, the Chairman informed the Committee that appropriate steps were being taken by the host country Mission in order to organize such a meeting with the Mayor. He had been advised that an opportunity would be given to him to meet with the Mayor on 21 October 1996, before the start of the reception given by the Mayor to celebrate the twenty-fifth anniversary of the Committee. At that meeting, he intended to apprise the Mayor of issues of common interest to the diplomatic community and invite the Mayor and his assistants to address the Committee and discuss those problems, as had been done by his predecessor, the former Mayor of the City of New York, Mr. David N. Dinkins, on 31 January 1990.

IV. RECOMMENDATIONS AND CONCLUSIONS

65. At its 179th meeting, on 22 November 1996, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and representatives of the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to this end and anticipates that all problems raised at its meetings will be duly settled in a spirit of cooperation and in accordance with international law;

(c) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective

functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(d) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee notes that no affected Member State had travel restrictions removed in 1996 and continues to urge the host country to remove remaining travel restrictions as soon as possible; in that regard, the Committee also notes the positions of the affected Member States, the Secretary-General and the host country;

(e) The Committee stresses the importance of the efforts of its Working Group concerning financial indebtedness, an issue which has tarnished the image of the United Nations and its Members in New York, and which has impaired the ability of some missions and diplomats to obtain services and suitable accommodation. The Committee notes that this issue has also arisen in other host cities, and therefore requires a system-wide approach. The Committee further recommends that permanent missions, their personnel and Secretariat personnel meet their financial obligations promptly and in full. The Committee has taken careful note of the concerns expressed by the host country and others regarding this problem, and recommends that its Working Group continue its own efforts, in cooperation with all interested parties, to monitor progress and to develop solutions to the problem;

(f) The Committee requests the host country to take steps, in conjunction with the City of New York, to resolve the problem of the parking of diplomatic vehicles and respond to the growing needs of the diplomatic community in that regard, and to consult with the Committee on these issues;

(g) The Committee notes with satisfaction that the host country has taken certain measures to accelerate immigration and customs procedures for diplomatic personnel arriving in New York City, and urges the host country to continue to improve those procedures and to act decisively to ensure their proper application in observance of the agreements in force;

(h) The Committee has taken careful note of the problems relating to exemption from taxation, in particular outside New York City, and requests the host country to take necessary measures to ensure that diplomats are exempt from sales taxes everywhere in the United States;

(i) The Committee wishes to reiterate its appreciation to the Host Country Section of the United States Mission to the United Nations and those local entities which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Notes

[1] For details on the membership of the Committee and the composition of its officers, see Official Records of the General Assembly, Fiftieth Session, Supplement No. 26 (A/50/26), paras. 3 and 4.

[2] See ibid., para. 5.

ANNEX

List of documents

A/AC.154/284	Letter dated 10 November 1995 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/285	Letter dated 27 February 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/286	Letter dated 27 February 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/287	Letter dated 1 March 1996 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee
A/AC.154/288	Letter dated 4 March 1996 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee
A/AC.154/289	Letter dated 8 May 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/290	Letter dated 10 June 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/INF/1	Letter dated 24 June 1996 from the Chairman of the Committee on Relations with the Host Country addressed to permanent missions of Members and observers to the United Nations
A/AC.154/291	Letter dated 19 August 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/292	Letter dated 29 August 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/293	Letter dated 13 September 1996 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee
A/AC.154/294	Letter dated 5 September 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/295	Letter dated 17 September 1996 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee

A/AC.154/296	Letter dated 27 September 1996 from the Permanent Representative of Nigeria to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/297	Letter dated 8 October 1996 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee
A/AC.154/298	Letter dated 8 October 1996 from the representative of the United States of America on the Committee on Relations with the Host Country addressed to the Chairman of the Committee
A/AC.154/299	Letter dated 12 November 1996 from the Permanent Representative of Greece to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

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